The Arlington and Moro allotments the Counterpetitioners propose together will provide a ***first aural service*** to 390 persons in a 320 square kilometer area and a second aural service to 1,246 persons in a 1,037 square kilometer area. *See* Exhibit A at pp.28-30. Additionally, the Arlington and Moro allotments will provide a third service to 552 persons, a fourth service to 332 persons and a fifth service to 2,125 persons. *Id.*

The Trout Lake station will not provide any population a first or second aural service. It will provide, however, a third service to 640 persons, a fourth service to 522 persons and a fifth service to 411 persons. *Id.* at pp. 28,30.

4. Fossil, Oregon Allotment

Channel 285A may be allocated to Fossil, Oregon, without a site restriction. That allotment is mutually exclusive with the proposed allotment of Channel 283C1 at Moro. Clearly, the allotment of Channel 285A at Fossil, in combination with Channel 300A at Moro, would be the preferred arrangement. The proposed Fossil channel will provide a ***first aural service*** to 168 persons in an 851 square kilometer area and a second aural service to 703 persons in a 1,064 square kilometer area. Additionally, the Fossil station would provide a third service to 828 persons, and a fourth service to 11 persons. *Id.* at pp. 29-30.

Triple Bogey reiterates that with respect to the Trout Lake, Arlington, Moro and Fossil allotments, it shall file an application for each and will promptly construct each station for which it is awarded a construction permit.

III. The Counterpetitioners' Proposal Better Serves the Public Interest

The material presented herewith demonstrates that Shoreline is a vibrant, independent community with a substantial population. The proposal to relocate KDUX-FM to Shoreline is in the public interest. The much larger community of Shoreline will receive its first local broadcast service and, significantly, KDUX-FM's present community of license, Aberdeen, will not be left without a local service. Other public interest benefits include (a) providing a first aural service to 558 persons in an aggregate area of 1,171 square kilometers (b) providing a second aural service to 1,971 persons in an aggregate area of 2,324 square kilometers, (c) providing a first local transmission service to four other communities -- Trout Lake, Arlington, Moro and Fossil, (d) providing Aberdeen a new Class C3 channel; (e) upgrading Station KXXK (FM), Hoquiam from Class C3 to a Class C2 status and (f) providing, overall, a new service to 2,393, 875 persons (of which 1,742 will receive two additional services) without creating any populated "white," "gray" or otherwise underserved area.

The Counterpetitioners' plan clearly better serves the public interest than that of the Initial Petitioners under each of the Commission's allotment priorities:

> Priority 1 -- First Aural Service: the Counterpetitioners' plan would provide a first aural service to 558 persons compared to 58 persons under the Initial Petitioners' plan.[16]

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[16] *See* the Initial Petitioners' Petition for Rule Making, Engineering Exhibit at p.8 and Figure 10. The Counterpetitioners' engineers, however, have calculated the white area population under the Initial Petitioners' proposal to be 408 persons. *See* Exhibit A at p.32. Nonetheless, the

Priority 2 – Second Aural Service: the Counterpetitioners' plan will result in 1,971 persons receiving a second aural service compared to 1,362 persons under the Initial Petitioners' plan.

Priority 3 – First Local Service (co-equal with Priority 2): the Counterpetitioners' plan will provide a first local service to five communities with an aggregate population of 54,849, while the Initial Petitioners would bring a first local service to four communities with an aggregate population of 15,138.

Priority 4 – Other Public Interest Factors: the Counterpetitioners' plan would result in a population of 2,393,875 persons receiving a new aural service, whereas the Initial Petitioners' plan would provide a new service to a population of 828,643. After subtracting the loss area populations each proposal entails the comparison would be 2,370,329 for the Counterpetitioners versus 820,176 for the Initial Petitioners. Additionally, the Counterpetitioners' plan would add a new Class C3 channel at Aberdeen and upgrade a Hoquiam station from Class C3 to Class C2 status.

Even if the Counterpetitioners' advantages under the first two priorities were ignored, its superiority under Priority 3 clearly could be decisional. When the Commission is faced with a

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Counterpetitioners' proposal still is to be preferred.

choice between two mutually exclusive proposals involving Priority 3, the tie-breaker is the population of the respective communities of license. *E.g., Cumberland, Kentucky,* DA 02-620 ¶ 9 (Chief, Allocations Branch, March 19, 2002), *citing Revision of FM Assignment Policies and Procedures,* 90 FCC 2d 88,92 (1982). A difference as small as 38 persons has been decisive. *Blanchard, Louisiana,* 10 FCC Rcd 9828, 9829 (1995). Here, the difference is more than 38,000. That overwhelming gap widens further when the other unique benefits of the Counterpetitioners' plan, discussed above, are considered.

IV. Conclusion

WHEREFORE, IN LIGHT OF ALL CIRCUMSTANCES PRESENT, It is respectfully requested that the Commission:

1. Issue an order to Saga Broadcasting Corp., licensee of Stations KAFE (FM), Channel 282C, Bellingham, Washington, to show cause why the license of Station KAFE should not be modified to specify operation on Channel 281C.

2. Issue an order to Alco Services, Inc., licensee of Station KLLM (FM), Channel 280A, Forks, Washington, to show cause why the license of KLLM should not be modified to specify operation on Channel 240A.

3. Amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, as follows:

Community	Present Channel No.	Proposed Channel No.
Shoreline, WA	—	283C2
Aberdeen, WA	284C2	237C3
Bellingham, WA	225C, 282C	225C, 281C
Forks, WA	280A	240A
Hoquiam, WA	237C3	284C2
Trout Lake, WA	----	226A
Arlington, OR	----	261C2
Moro, OR	----	300A
Fossil, OR	----	285A

Furthermore, the license of KDUX-FM should be modified to specify operation on Channel 283C2 at Shoreline, Washington, and the license of KXXK should be modified to specify operation on Channel 284C2 at Hoquiam, Washington..

TRIPLE BOGEY, LLC, MCC RADIO, LLC
and KDUX ACQUISITION, LLC

By _____
Matthew H. McCormick, Esquire
Their Counsel

Reddy, Begley & McCormick, LLP
2175 K Street, N.W., Suite 350
Washington, D.C. 20037-1845
(202) 659-5700

July 29, 2002

JAMES B. HATFIELD, PE
BENJAMIN F. DAWSON III, PE
THOMAS M. ECKELS, PE
STEPHEN S. LOCKWOOD, PE
DAVID J. PINION, PE

PAUL W. LEONARD, PE
ERIK C. SWANSON, EIT
THOMAS S. GORTON, PE

HATFIELD & DAWSON
CONSULTING ELECTRICAL ENGINEERS
9500 GREENWOOD AVE. N.
SEATTLE, WASHINGTON 98103

Exhibit A

TELEPHONE
(206) 783-9151
FACSIMILE
(206) 789-9834
E-MAIL
hatdaw@hatdaw.com

MAURY L. HATFIELD, PE
CONSULTANT
BOX 1326
ALICE SPRINGS, NT 5950
AUSTRALIA

ENGINEERING STATEMENT

PETITION FOR RULEMAKING TO AMEND SECTION 73.202 OF THE RULES AND REGULATIONS FOR THE FEDERAL COMMUNICATIONS COMMISSION

TO ASSIGN:
FM CHANNEL 283C2 FOR USE AT SHORELINE, WA

FM CHANNEL 281C FOR USE AT BELLINGHAM, WA

FM CHANNEL 240A FOR USE AT FORKS, WA

FM CHANNEL 284C2 FOR USE AT HOQUIAM, WA

FM CHANNEL 237C3 FOR USE AT ABERDEEN, WA

FM CHANNEL 226A FOR USE AT TROUT LAKE, WA

FM CHANNEL 261C2 FOR USE AT ARLINGTON, OR

FM CHANNEL 300A FOR USE AT MORO, OR

FM CHANNEL 285A FOR USE AT FOSSIL, OR

PREPARED FOR:
MCC RADIO, LLC
TRIPLE BOGEY, LLC

7/2002

Table of Contents

Section I: Description of the Proposed Reallotment Plan

This Engineering Statement has been prepared on behalf of MCC Radio, LLC (licensee of stations KDUX 284C2 Aberdeen and KXXK 237C3 Hoquiam) ("MCC") and Triple Bogey, LLC ("Triple Bogey") (together, the "Counterpetitioners"), in support of a Petition for Rulemaking to amend §73.202 of the Commission's Rules to:

1) Substitute Channel 283C2 for Channel 284C2 at Aberdeen, Washington, reallot Channel 283C2 to Shoreline, Washington, and modify the license of station KDUX to specify operation on Channel 283C2 at Shoreline;
2) Substitute Channel 281C for Channel 282C at Bellingham, Washington, and modify the license of station KAFE to specify operation on the new channel;
3) Substitute Channel 240A for Channel 280A at Forks, Washington, and modify the license of station KLLM to specify operation on the new channel;
4) Substitute Channel 284C2 for Channel 237C3 at Hoquiam, Washington, and modify the license of station KXXK to specify operation on the upgraded channel;
5) Assign Channel 237C3 for use at Aberdeen, Washington;
6) Assign Channel 226A for use Trout Lake, Washington;
7) Assign Channel 261C2 for use at Arlington, Oregon;
8) Assign Channel 300A for use at Moro, Oregon, and;
9) Assign Channel 285A for use at Fossil, Oregon.

City	Present	Proposed
Aberdeen, Washington	284C2	237C3
Shoreline, Washington	—	283C2
Bellingham, Washington	225C, 282C	225C, 281C
Forks, Washington	280A	240A
Hoquiam, Washington	237C3	284C2
Trout Lake, Washington	—	226A
Arlington, Oregon	—	261C2
Moro, Oregon	—	300A
Fossil, Oregon	—	285A

This proposal is being filed as a counterproposal in MB Docket No. 02-136, in which First Broadcasting Company, L.P., and Mid-Columbia Broadcasting, Inc. ("the Initial Petitioners"), have proposed: the reallotment of station KMCQ Channel 283C at The Dalles, Oregon, to Channel 283C3 at Covington, Washington; the allotment of Channel 226A at Trout Lake, Washington; the allotment of Channel 261C2 at Arlington, Oregon; and the allotment of Channel 283C1 at Moro, Oregon.

The instant proposal is mutually exclusive with the Covington proposal in that the Counterpetitioners' proposed allotment of Channel 283C2 at Shoreline conflicts with the Initial Petitioners' proposed allotment of Channel 283C3 at Covington; and the Counterpetitioners' proposed allotment of Channel 285A at Fossil conflicts with the Initial Petitioners' proposed allotment of Channel 283C1 at Moro.

The proposed reallotment plan will provide several benefits:

1) Shoreline, an incorporated city with a 2000 Census population of 53,025 persons, will receive its first local service.

2) Trout Lake, a Census Designated Place with a 2000 Census population of 494 persons, will receive its first local service.

3) Arlington, an incorporated city with a 2000 Census population of 524 persons, will receive its first local service.

4) Moro, an incorporated city with a 2000 Census population of 337 persons, will receive its first local service.

5) Fossil, an incorporated city with a 2000 Census population of 469 persons, will receive its first local service.

6) KXXK will be able to upgrade to Class C2, and thus will be able to provide enhanced service to Hoquiam and a broader listening area.

7) A total of 2,393,875 persons will receive an additional aural service, of which 1,742 will receive two additional services.

8) A total of 9,002 presently underserved persons will receive at least one additional service. Of this total, 558 persons in existing white areas will receive their first aural service, and 1,971 persons in existing gray areas will receive their second aural service.

9) In accommodating the benefits listed above, no white or gray areas will be created, and the only underserved areas which will be created are unpopulated.

Channel 283C2 at Shoreline, Washington

As outlined in the attached channel study, Channel 283C2 can be assigned for use at Shoreline by KDUX in compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments, assuming that Channel 281C is substituted for Channel 282C at Bellingham. For this study the coordinates of an existing hilltop tower site (NL 47° 45' 15" x WL 122° 35' 27") have been used. This site is 19 kilometers from Shoreline, the coordinates of which are NL 47° 45' 21" x WL 122° 20' 25". The nominal distance to the 70 dBu F(50,50) contour for a Class C2 station is 32.6 kilometers. Therefore, this site will provide greater than 70 dBu coverage for all of Shoreline.

The proposed allotment of Channel 283C3 at Shoreline will provide the first local service to that community. Aberdeen will retain full-time local service from stations KXRO 1320 kHz, KBKW 1450 kHz, and the allotment of Channel 237C3 at Aberdeen (as proposed herein).

Channel 281C at Bellingham, Washington

As outlined in the attached channel study, Channel 281C can be substituted for Channel 282C at Bellingham for use by KAFE in compliance with the Commission's applicable Rules and Regulations regarding the separation among domestic FM allotments and stations, assuming that Channel 240A is substituted for Channel 280A at Forks. For this study the coordinates of the licensed KAFE operation on Mount Constitution (NL 48° 40' 48" x WL 122° 50' 24") have been used. This site is 27 kilometers from Bellingham, the coordinates of which are NL

48° 45' 35" x WL 122° 29' 13". Since there will be no change in transmitter site for KAFE, that station will continue to provide greater than 70 dBu coverage to all of Bellingham.

The Counterpetitioners pledge to reimburse Saga Broadcasting Corp., the licensee of KAFE, for reasonable expenses in connection with the foregoing channel change, as required by Circleville, Ohio, 8 FCC Rcd 159 (1967).

Canadian Short-spacings: The proposed allotment of Channel 281C for use at Bellingham by KAFE is short-spaced with respect to one operating Canadian station, and two vacant Canadian allotments. These are discussed in detail in Section II of this Engineering Statement

Channel 240A at Forks, Washington

As outlined in the attached channel study, Channel 240A can be substituted for Channel 280A at Forks for use by KLLM in compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments. For this study the coordinates of the licensed KLLM operation (NL 47° 57' 16" x WL 124° 23' 20") have been used. This site is located within the city of Forks. Since there will be no change in transmitter site for KLLM, that station will continue to provide greater than 70 dBu coverage to all of Forks.

The Counterpetitioners pledge to reimburse Alco Services, Inc., the licensee of KLLM, for reasonable expenses in connection with the foregoing channel change, as required by Circleville, Ohio, 8 FCC Rcd 159 (1967).

Channel 284C2 at Hoquiam, Washington

As outlined in the attached channel study, Channel 284C2 can be substituted for Channel 237C3 at Hoquiam for use by KXXK in compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments, assuming that KDUX is reallotted to Shoreline as Channel 283C2. For this study the coordinates of a hilltop site (NL 46° 56' 33" x WL 123° 49' 26") have been used. This site is 7 kilometers from Hoquiam, the coordinates of which are NL 46° 58' 52" x WL 123° 53' 17". The nominal distance to the 70 dBu F(50,50) contour for a Class C2 station is 32.6 kilometers. Therefore, this site will provide greater than 70 dBu coverage for all of Hoquiam.

Channel 237C3 at Aberdeen, Washington

As outlined in the attached channel study, Channel 237C3 can be assigned for use at Aberdeen in compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments, assuming that KXXK is upgraded to Channel 284C2. This allotment requires a site restriction 12.5 km west of Aberdeen, resulting in an allotment site at NL 46° 59' 55" x WL 123° 58' 31". (The Aberdeen reference coordinates are NL 46° 58' 32" x WL 123° 48' 52".) The nominal distance to the 70 dBu F(50,50) contour for a Class C3 station is 23.2 kilometers. Therefore, this site will provide greater than 70 dBu coverage for all of Aberdeen.

MCC hereby expresses its intention to apply for the Aberdeen channel, if allotted.

Channel 226A at Trout Lake, Washington

Triple Bogey supports the Initial Petitioners' proposal to assign Channel 226A to Trout Lake (at coordinates NL 45° 58' 38" x WL 121° 32' 11") as the first local service to that community, and hereby expresses its intention to apply for that channel, if allotted.

Channel 261C2 at Arlington, Oregon

Triple Bogey supports the Initial Petitioners' proposal to assign Channel 261C2 at Arlington (at coordinates NL 45° 43' 04" x WL 120° 11' 53")[1] as the first local service to that community, and hereby expresses its intention to apply for that channel, if allotted.

Channel 300A at Moro, Oregon

The Counterpetitioners' proposed reallotment plan would conflict with the Initial Petitioners' proposal to assign Channel 283C1 for use at Moro as the first local service to that community. Nevertheless, the Counterpetitioners support the assignment of an FM channel at Moro, and have identified an alternate channel which can be assigned at that community. As outlined in the attached channel study, Channel 300A can be assigned for use at Moro in compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments, with a site restriction northeast of Moro at coordinates NL 45° 30' 15" x WL 120°

[1]Initial Petitioners specified coordinates of NL 45° 43' 04" x WL 120° 11' 53" in their filing for the Arlington allotment site. The Commission's NPRM, while stating that "Channel 261C2 can be allotted to Arlington, Oregon, at the Joint Parties' specified site," lists allotment site coordinates of 45° 43' 01" x WL 120° 11' 59". Meanwhile, the CDBS entry for the Arlington proposal lists coordinates of 45° 43' 14" x WL 120° 11' 59". All three of these sites are located within the City of Arlington.

In order to maintain consistency for purposes of comparing the two proposals, Counterpetitioners have specified the same Arlington allotment site coordinates as the Initial Petitioners.

40' 00". This site is 5.4 kilometers from Moro, the coordinates of which are NL 45° 29' 03" x WL 120° 43' 48". The nominal distance to the 70 dBu F(50,50) contour for a Class A station is 16.2 kilometers. Therefore, this site will provide greater than 70 dBu coverage for all of Moro.

Triple Bogey hereby expresses its intention to apply for the Moro channel, if allotted.

Channel 285A at Fossil, Oregon

As outlined in the attached channel study, Channel 285A can be assigned for use at Fossil in compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments, without a site restriction, at the Fossil reference coordinates NL 44° 59' 53" x WL 120° 12' 53". The nominal distance to the 70 dBu F(50,50) contour for a Class A station is 16.2 kilometers. Therefore, this site will provide greater than 70 dBu coverage for all of Fossil.

The proposed allotment at Fossil is mutually-exclusive with the Initial Petitioners' proposed assignment of Channel 283C1 for use at Moro, Oregon.

Triple Bogey hereby expresses its intention to apply for the Fossil channel, if allotted.

Section II: Discussion of Bellingham Channel 281C short-spacings to Canadian stations and allotments

CHQM-FM on Channel 278C at Vancouver

The proposed allotment of Channel 281C at Bellingham is short-spaced to Canadian station CHQM-FM, which operates on Channel 278C at Vancouver, British Columbia. Under the terms of the Working Arrangement for the Allotment and Assignment of FM Broadcasting Channels Under the Agreement Between the Government of Canada and the Government of the United States of America Relating to the FM Broadcasting Service, as amended in 1997 ("Working Arrangement"), the required third-adjacent-channel Class C to Class C spacing is 113 kilometers, whereas the distance between the proposed Bellingham Channel 281C allotment site and the CHQM-FM transmitter site is 75.5 kilometers.

The attached allocation study map ("KAFE - Third-Adjacent Interference Study") demonstrates that the proposed Bellingham Channel 281C 98 dBu F(50,10) contour will not overlap any Canadian land areas. Therefore, no interference will be caused to CHQM-FM over Canadian land areas. For the purposes of this study, Bellingham Channel 281C has been presumed to be operating with maximum Class C parameters of 100 kW ERP at 600 meters HAAT, omnidirectionally.

Likewise, this map demonstrates that the CHQM-FM 100 dBu F(50,10) contour will not overlap any United States land areas.[2] Therefore, no interference will be caused to Bellingham Channel 281C over United States land areas. For the purposes of this study, CHQM-FM has been presumed to be operating with its authorized Class C parameters of 100 kW ERP at 168 meters HAAT.

(It should be noted that these circumstances are analogous to the present operation of KAFE on Channel 282C at Bellingham. The existing KAFE operation is on a third-adjacent channel to Canadian station CKVX-FM-2, which operates on Channel 285C at Vancouver, from a transmitter site adjacent to the CHQM-FM transmitter site.)

Paragraph 5.2.2.4 of the Working Arrangement states that:

> "Where the protected contour extends beyond the boundary of the country in which the allotment is located, protection shall be provided only to land areas, including islands, lying within that country. In this case, overlap of interfering and protected service contours shall be acceptable provided that the interference zone does not fall within these areas."

Therefore, the proposed Bellingham Channel 281C allotment is believed to be in full compliance with domestic and international allotment requirements with respect to CHQM-FM.

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[2]Neither would the CHQM-FM 98 dBu F(50,10) contour overlap United States land areas, were that the appropriate contour level to determine compliance in this case. However, it has been Commission policy in all Canada border zone FM allotment cases with which we are familiar, including numerous cases in which this firm prepared the engineering showings, that the appropriate contour value to use in evaluating protection provided to a domestic station by a Canadian station is the contour value specified in §73.215 of the Commission's Rules. Therefore, the attached map shows the CHQM-FM 100 dBu F(50,10) contour.

Channel 280A Allotment at Powell River, British Columbia

The proposed allotment of Channel 281C at Bellingham is short-spaced to an unused Canadian allotment on Channel 280A at Powell River, British Columbia. Under the terms of the Working Arrangement, the required first-adjacent-channel Class A to Class C spacing is 182 kilometers, whereas the distance between the proposed Bellingham Channel 281C allotment site and the Powell River Channel 280A allotment site is 170.6 kilometers.

The attached allocation study maps[3] demonstrate that the proposed Bellingham Channel 281C 52 dBu F(50,10) contour (with the power restriction discussed below) will not overlap the Powell River Channel 280A 54 dBu F(50,50) contour at any location over Canadian land areas. Per the terms of Section 5.2.2.1 of the Working Arrangement, the distance to the Powell River Channel 280A 54 dBu F(50,50) protected contour has been based on maximum allowable parameters, out to a maximum distance of 38 kilometers.

The proposed operation meets the domestic Class A to Class C spacing requirement of 165 kilometers with respect to the Powell River Channel 280A allotment. Therefore, no analysis with respect to interference received from the Powell River Channel 280A allotment is required

[3]One map presumes Bellingham Channel 281C operation with facilities equivalent to the licensed KAFE operation of 60 kW ERP at 704 meters HAAT (reference 60 dBu distance = 90.4 km). The second map presumes Bellingham Channel 281C operation with maximum Class C facilities. These same maps also depict the Bellingham Channel 281C contour relationship with respect to Bralorne Channel 281A.

in this application, and the proposed operation is believed to be in full compliance with domestic and international allotment requirements with respect to Powell River Channel 280A.[4]

Channel 281A Allotment at Bralorne, British Columbia

The proposed allotment of Channel 281C at Bellingham is short-spaced to an unused Canadian allotment on Channel 281A at Bralorne, British Columbia. Under the terms of the Working Arrangement, the required cochannel Class A to Class C spacing is 247 kilometers, whereas the distance between the proposed Bellingham Channel 281C allotment site and the Bralorne Channel 281A allotment site is 234 kilometers.

The attached allocation study maps demonstrate that the proposed Bellingham Channel 281C 34 dBu F(50,10) contour (with the power restriction discussed below) will not overlap the

[4]The use of the domestic spacing requirements in order to demonstrate that a Canadian station or allotment provides sufficient interference protection to a domestic US station is a policy which the Commission has consistently applied in numerous recent cases. This policy is appropriate because the spacing table in the Working Arrangement is based on the protected service contour values used in Canada (54 dBu for all classes except Class C, and 58 dBu for Class C stations or allotments), which are in most cases different from the protected service contour values used in the United States (60 dBu for all classes except Class B and B1, 54 dBu for Class B, 57 dBu for Class B1).

Given the differences in protected contour values in the two countries, therefore, a US station which is located at the US domestic spacing distance (or any greater distance) from a Canadian station receives the protection to which it is entitled under the US rules. If that same US station, at that same location, is short-spaced to a Canadian station/allotment per the spacings in the Working Arrangement, but meets the standards for short-spacing contained in Annex III toward the Canadian station/allotment, it is an acceptable allotment in the US and would (absent any other issues) be proposed for rulemaking and referred to Industry Canada, which would, in all cases we are aware of, accept it.

For recent examples of the Commission's consistent application of this policy, see: the Channel 280C1 allotment and transmitter sites approved in BPH-20010119AFK for FM station KYWL at Spokane, Washington (CP granted on 11/21/2001); the Channel 266C2 allotment site approved in BPH-20000127ACI for FM station KOHO at Leavenworth, Washington (CP granted on 4/4/2001); the Channel 276C1 transmitter site approved in BMPH-20000605AOE for FM station KCDA at Post Falls, Idaho (CP granted on 10/12/2000); the Channel 276C1 transmitter site approved in BPH-20000201AHT for FM station KCDA at Post Falls, Idaho (CP granted on 5/31/2000); and the Channel 276C1 allotment site approved for FM station KCDA at Post Falls, Idaho, in MM Docket No. 96-259 (Report and Order released 10/13/1999).

Bralorne Channel 281A 54 dBu F(50,50) contour at any location over Canadian land areas. Per the terms of Section 5.2.2.1 of the Working Arrangement, the distance to the Bralorne Channel 281A 54 dBu F(50,50) protected contour has been based on maximum allowable parameters, out to a maximum distance of 38 kilometers.

The proposed operation meets the domestic Class A to Class C spacing requirement of 226 kilometers with respect to the Bralorne Channel 281A allotment. Therefore, no analysis with respect to interference received from the Bralorne Channel 281A allotment is required in this application, and the proposed operation is believed to be in full compliance with domestic and international allotment requirements with respect to Bralorne Channel 281A.

Power Limitation on Bellingham Channel 281C

Station KAFE presently operates from a transmitter site atop Mount Constitution, on Orcas Island in the San Juan Islands, very near to the US-Canada border. KAFE operates with 60 kW ERP at 704 meters HAAT, a bit less than the Class C maximum of 72 kW permissible from this antenna height.

In order to provide protection to the Powell River Channel 280A and Bralorne Channel 281A allotments as required under the Working Arrangement, the Counterpetitioners propose that a power limitation be placed on the Bellingham Channel 281C allotment. Specifically, the Counterpetitioners propose that Bellingham Channel 281C be limited to 27 kW at 600 meters

HAAT or the equivalent at 314.6° True towards Powell River Channel 280A, and to 30 kW at 600 meters HAAT or the equivalent at 0.4° True towards Bralorne Channel 281A.

Referenced to the licensed KAFE operating parameters of 60 kW ERP at 704 meters HAAT, power would have to be reduced by 3.5 dB (to 27 kW ERP) at 314.6° True, and by 3 dB (to 30 kW ERP) at 0.4°True. Reference to maximum power of 72 kW ERP at the KAFE antenna height, power would have to be reduced by 4.25 dB (to 27 kW ERP) at 314.6° True, and by 3.75 dB (to 30 kW ERP) at 0.4° True.

In all other directions,[5] station KAFE on Channel 281C at Bellingham would be entitled to transmit at full power. A detailed study has been made of the proposed Bellingham Channel 281C operation, and our conclusion is that the requested power limitations will have no effect upon the extent of the KAFE 60 dBu service area and population within the United States, and no cognizable impact upon reception of the KAFE signal within the United States.

There would be no change in the KAFE 60 dBu service area over the United States

Two maps are included which illustrate the fact that the requested power limitation will have no impact on the area which KAFE serves within the United States. The first map depicts continued KAFE operation with 60 kW ERP at 704 meters HAAT, and with the power limitations described above. Allowing for the two power limitations to recover to full power, the

[5] i.e., once the limitation recovers to full power following the "2 dB per 10 degrees" rule.

only areas which are affected by these power limitations lie between 345° and 15° True, and between 297° and 333° True.

The second map depicts KAFE operation with maximum Class C power of 72 kW ERP at 704 meters HAAT, and with the power limitations described above. Again, allowing for the two power limitations to recover to full power, the only areas which are affected by these power limitations lie between 341° and 19° True, and between 293° and 337° True.

These maps clearly demonstrate that the requested power limitations would in no way change the KAFE 60 dBu service area over the United States. Thus, there will be no change in the United States population within the 60 dBu contour of KAFE.

There would be no change in the KAFE 70 dBu service area over the United States

These same two maps depict the 70 dBu service contours associated with Bellingham Channel 281C operation with both 60 kW and 72 kW ERP at 704 meters HAAT. The requested power limitations would in no way change the KAFE 70 dBu service area over the United States. Thus, there will be no change in the United States population within the 70 dBu contour of KAFE.

There would be no power reduction in the direction of Bellingham

Commission approval of the requested power restrictions would have no effect upon KAFE's ability to provide a 70 dBu "principal community" signal to Bellingham, its community of license.

As depicted on the attached map exhibits at Exhibit 3, Bellingham lies between 55° and 90° True from the KAFE transmitter site. There would be no power limitation in the direction of Bellingham. Therefore, KAFE could continue to operate with maximum power in the direction of Bellingham, and continue to provide Bellingham with the high level of reception service to which that community is entitled under the Commission's Rules.

There would be no cognizable impact on reception of the KAFE signal within the United States

By far the greatest portion of the United States territory lying within the two power limitation zones is water area. With respect to 60 kW/704 meter HAAT operation, the power limitation zones encompass 649 km² of United States territory, only 53.4 km² of which, or 8.2%, is land area. With respect to maximum Class C operation, the power limitation zones encompass 812 km² of United States territory, only 98.5 km² of which, or 12.1%, is land area.

The population residing within the power limitation zones is small, particularly when compared with the full US service area of the Bellingham allotment. With respect to 60 kW/704 meter HAAT operation, the power limitation zones encompass 9,165 persons, just 1.62% of the 564,544 persons served within the United States. With respect to maximum Class C operation, the power limitation zones encompass 11,959 persons, just 1.99% of the 600,312 persons served within the United States.

Furthermore, it is critical to note that none of these persons will lose service from KAFE as a result of the proposed power limitations. All of these persons are now and will remain within both the 60 and 70 dBu contours of KAFE. Indeed, all of this population is located so near in proximity to the KAFE transmitter site that they will continue to receive a very high level of service from the station.

By way of illustration, three sample study points have been selected at the edge of US land territory within the power restriction zones. Point #1 is located on the US-Canada border, on the mainland near the Blaine Border crossing. Point #2 is located on the US-Canada border in the northwest corner of Point Roberts.[6] Point #3 is located on the western end of Patos Island near the US-Canada water boundary. The attached map exhibit depicts the locations of these study points.

Calculations have been made to determine the Bellingham Channel 281C signal level at these three study points, using the standard contour prediction methodology described in §73.313 of the Commission's Rules. These calculations have been made using maximum Class C power at the KAFE antenna height, with the power limitations proposed herein. (Calculations made using the authorized KAFE power and height would produce nearly identical results.) The results are depicted in the following table:

[6]The southern end of the Point Roberts peninsula is United States territory, despite the fact that this 13 km² area has no land connection to the mainland except through Canadian territory.